
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

THE WIZARD TRADES, LLC; and
MICHAEL HUBBS,

Plaintiffs,

v.

CHARLTON LACHASE, ANDRA RUSH,
STEVEN DUHON, and BRIAN
HERTNEKY,

Defendants.

ORDER TO DISMISS ACTION

Case No. 2:23-cv-00207-DBB

Judge David Barlow

On December 5, 2023, Magistrate Judge Oberg granted Plaintiffs' counsel's motion to withdraw as counsel and ordered counsel for The Wizard Trades, LLC to appear by December 26, 2023.¹ The order also required Plaintiff Michael Hubbs to either file a notice of pro se appearance or have new counsel appear by December 26, 2023.² After Plaintiffs failed to comply with the order, Magistrate Judge Oberg entered an order to show cause on January 2, 2024.³ The order required that the Plaintiffs file a written response explaining why this action should not be dismissed for failure to prosecute or comply with the court's order.⁴ The deadline to file the response was set for January 16, 2024.⁵ Plaintiffs have not responded as of February 1, 2024.

Therefore, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, the court **ORDERS** that this action be dismissed for a failure to prosecute and for failure to comply with a court order. The court further **ORDERS** that the dismissal is without prejudice.

¹ ECF No. 78.

² *Id.*

³ ECF No. 80.

⁴ *Id.*

⁵ *Id.*

Signed February 1, 2024.

BY THE COURT

A handwritten signature in blue ink, appearing to read 'David Barlow', is written over a horizontal line.

David Barlow
United States District Judge